

REMARKS**I. Overview**

Claims 63-70, 72-78, 80-87, 96 and 97 are pending in the present application. Claims 1-62, 71, 79, 86, and 88-95 are canceled herein. Claims 63-70, 72, 73, 75, 77, 78, 80-85 and 87 have been amended. New claims 96 and 97 have been added. No new matter has been added. Applicant respectfully requests reconsideration of the claims in view of the following remarks.

The issues raised by the Examiner in the current Office Action dated January 21, 2009 (“Office Action”) are as follows:

- Claims 31-62 have been rejected under 35 U.S.C. § 101;
- Claims 31-56 and 58-87 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent Publication No. 2003/0076940 to Manto, (hereinafter “Manto”) and U.S. Patent Publication No. 2004/0029564 to Hodge (hereinafter “Hodge”); and
- Claim 57 has been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Manto and Hodge.

Applicant respectfully traverses the outstanding claim rejections and requests reconsideration and withdrawal in light of the amendments and remarks presented herein.

II. Amendments

The pending claims have been amended to clarify that the method and computer program product relate to inmates in a prison facility environment. No new matter has been added by these amendments, which are supported in the original specification at least at paragraphs [0003]-[0006], [0008], [0010]-[0012], [0015], [0017] and [0019].

Independent claims 63 and 80 have been amended to require the steps of, or code for, “presenting a menu of available services to an inmate” and “receiving a selection from the inmate.” No new matter has been added by these amendments, which are supported in the original specification at least at paragraphs [0048] and [0049] and in Figure 3A, element 303.

Independent claims 63 and 80 have been amended to require a step of, or code for, “delivering the selected physical goods to the person outside the prison facility.” No new matter has been added by these amendments, which are supported in the original specification at least at paragraphs [0049] and [0100] and in Figure 2.

New claims 96 and 97 have been added. No new matter has been added by these claims, which are supported in the original specification at least at paragraphs [0037], [0040] and [0043] and in Figure 2, element 231.

III. Rejection under 35 U.S.C. § 101

Claims 31-62 have been rejected under 35 U.S.C. § 101. Applicant has canceled claims 31-62 herein without prejudice. Accordingly, the rejection under section 101 is now moot.

IV. Claim Rejection – 35 U.S.C. § 103

The pending claims have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Manto and Hodge.

A. The Manto Reference

Manto discloses a method of operating a telecommunications device to detect outgoing calls from a calling party to a called number. (Abstract). Manto determines if a called number is exempt from charges or if a pre-paid account has sufficient funds for the call. (Abstract). If there are insufficient funds to cover a call, a message is generated requesting authorization to charge an additional fee to complete the call. (Abstract). Manto's Figure 7 illustrates the steps necessary to provide sponsored phone service for prisoners. (¶ [0068].) The Manto disclosure is directed solely to the provision of calling services and the provision of funds for such calling services. Manto does not disclose the purchase, order, or delivery of physical goods.

B. The Hodge Reference

Hodge discloses a call management system for authenticating users in an institutional facility. (Abstract.) Hodge limits the users access to the call management system based on funds available in a user's account. (Abstract). Hodge teaches that inmates may be assigned a commissary account and that the funds in the commissary account may be applied to telephone calls. (¶[0006].) An inmate account may be controlled by the inmate's family. (¶[0007], [0052]). Hodge discloses sample screens providing account information, such as financial history, call records, telephone list, call limit status, and access control. (Figures 24-29; ¶[0288]-[0306].) Hodge does not disclose the purchase or order of physical goods for delivery outside the facility.

C. The proposed combination fails to disclose “presenting a menu of available services”

Independent claims 63 and 80 require the step of, or code for:

presenting a menu of available services to an inmate, the available services including initiating a telephone call, ordering physical goods from a commissary within the prison facility, and ordering selected physical goods for delivery to a person outside the prison facility.

Neither Manto nor Hodge disclose presenting a menu of available services. Manto discloses that the inmate initiates a telephone call, but does not disclose a system that allows the inmate to order physical goods from a commissary or to order selected physical goods for delivery outside the prison facility. Hodge discloses a commissary account, but does not teach a menu for selecting physical goods for delivery from a commissary. Hodge also fails to disclose a menu for initiating a telephone call or for selecting goods.

D. The proposed combination fails to disclose delivery of goods outside a prison facility

Independent claims 63 and 80 require the step of, or code for:

delivering the selected physical goods to the person outside the prison facility, the person designated by the inmate.

The Office Action identifies Figures 1 and 2 of Manto as disclosing the delivery of incoming and outgoing phone calls. (Office Action at 6, rejection of claim 60.) Applicant respectfully submits that phone calls are not physical goods. Manto is silent as to the purchase, order, or delivery of physical goods of any kind.

Hodge also fails to disclose the delivery of physical goods to a person outside the prison facility. Although Hodge discloses a commissary account, as noted above, there is no teaching or suggestion in Hodge that an inmate may order physical goods for delivery outside of the prison facility. The only outgoing function allowed to the inmate in Hodge is the initiation of outgoing telephone calls.

E. The proposed combination fails to disclose interrupting calls to solicit additional funds

Claims 69 and 85 require the step of, or code for:

interrupting the call between the particular inmate and said responsible party to play a message soliciting additional funds from the responsible party.

The Office Action cites Figure 7 of Manto as disclosing interrupting outbound calls to acquire funds. (Office Action at 5, rejection of claim 42.) Manto's Figure 7 fails to disclose the specific requirements of the above-quoted claim elements. Manto teaches that a call is suspended while a third party sponsor is contacted. (Figure 7, element 10.) This disclosure fails to teach or suggest playing a message to the responsible party, as required in claims 69 and 85. Instead, Manto discloses suspending the call between the inmate and the called party, and then initiating an additional contact with a third party. Claims 69 and 85 require that a message be played to the called party, who is also the responsible party. Manto fails to disclose playing such a message to the called/responsible party.

F. The proposed combination fails to disclose interrupting calls to solicit additional funds

Claims 96 and 97 require that the:

delivery of the selected physical goods to the person outside the prison facility is performed by a business service provider located outside of the prison facility.

Neither Manto nor Hodge disclose the delivery of physical goods outside a prison facility. Furthermore, neither reference discloses using a business service provider located outside the prison facility to deliver physical goods to individuals also located outside the prison facility.

G. Conclusion

The proposed combination of the Manto and Hodge references fail to teach or suggest each and every element of independent claims 63 and 80. Claims 64-70, 72-78, 81-85, 87, 96 and 97 depend from independent claims 63 and 80, respectively, and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicant's attorney at 972-732-1001 so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this

filng. However, should one be deemed due, the Commissioner is hereby authorized to charge, or credit any overpayment, Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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